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Attorneys for Defendant

U.S. COURTS

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REC'D _____ FILED _____
CAMERON S. BURKE
CLERK IDAHO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

KIMBERLEY SMITH, MICHAEL B.
HINCKLEY, JACQUELINE T. HLADUN,
MARILYN J. CRAIG, JEFFERY P.
CLEVINGER, and TIMOTHY C.
KAUFMANN, individually and on behalf of
those similarly situated,

Plaintiffs,

vs.

MICRON ELECTRONICS, INC., a
Minnesota corporation,

Defendant.

) Case No. CIV 01-0244-S-BLW

)
)
) **DEFENDANT'S MOTION TO STRIKE**
) **PORTIONS OF AFFIDAVITS FILED IN**
) **SUPPORT OF CONDITIONAL**
) **CERTIFICATION**

)
) **REQUEST FOR SEPTEMBER 11, 2002**
) **HEARING**

DEFENDANT'S MOTION TO STRIKE PORTIONS OF AFFIDAVITS FILED IN
SUPPORT OF CONDITIONAL CERTIFICATION - 1

Boise-145027.1 0026493-00046

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ORIGINAL

Defendant moves to strike portions of the affidavits submitted in support of Plaintiffs' Motion for Conditional Certification because they are in direct conflict with statements made under oath in deposition.

Defendant respectfully requests this Court to strike the following paragraphs of the affidavits filed in support of conditional certification:

1. Laura Anderson, ¶ 16.
2. Alan Garcia, ¶ 9.
3. Deborah Monahan, ¶¶ 7, 8.
4. Tracy Scott Wells, ¶¶ 13, 14.

This motion is supported by the accompanying Memorandum in Support of Defendant's Motion to Strike Portions of Affidavits Filed in Support of Conditional Certification, Affidavit of Teresa A. Hill and the pleadings and orders on file in this case.

Defendant respectfully requests that the Motion be set for hearing on September 11, 2002, to be heard concurrently with the Plaintiff's Motion for Conditional Certification.

Dated this 15th day of August, 2002.

STOEL RIVES LLP


Kim J. Dockstader

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of August, 2002, a true and correct copy of the foregoing **DEFENDANT'S MOTION TO STRIKE PORTIONS OF AFFIDAVITS FILED IN SUPPORT OF CONDITIONAL CERTIFICATION** as served on the following individuals by the manner indicated:

William H. Thomas	<input type="checkbox"/>	By U.S. Mail
Daniel E. Williams	<input checked="" type="checkbox"/>	By Hand Delivery
HUNTLEY, PARK, THOMAS,	<input type="checkbox"/>	By Facsimile
BURKETT, OLSEN & WILLIAMS	<input type="checkbox"/>	By Overnight Delivery
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